

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STRYKER CORPORATION,)	
STRYKER PUERTO RICO, LTD., and)	
STRYKER SALES CORPORATION)	
)	Case No. 1:10cv1223
Plaintiffs and Counter-Defendants,)	
v.)	Hon. Robert J. Jonker
)	U.S. District Judge
ZIMMER INC., and)	
ZIMMER SURGICAL, INC.,)	
)	
Defendants and Counter-Plaintiffs.)	
)	

**JOINT PROPOSED AMENDED FINAL JUDGMENT AND
PERMANENT INJUNCTION AFTER REMAND**

Pursuant to Federal Rule of Civil Procedure 60(a), the parties hereby submit a Joint Proposed Amended Final Judgment and Permanent Injunction After Remand (“2017 Amended Final Judgment”). The 2017 Amended Final Judgment updates the Final Judgment and Permanent Injunction After Remand entered by the Court on July 12, 2017 (Doc. 609 at PageID.19989-19991) to set forth a calculation of prejudgment interest on the attorneys’ fees awarded to Stryker and to include Stryker’s supplemental damages for the period of July 1, 2013 to September 4, 2013, which had been awarded in the Court’s Amended Final Judgment and Permanent Injunction (Doc. 580 at PageID.19041-19043) but was inadvertently omitted in the July 12, 2017 judgment.

Based on the prior rulings of the Court and the verdict of the jury, and after considering the proposed form of amended judgment submitted by the parties, IT IS ORDERED, ADJUDGED, DECLARED and DECREED that the Plaintiffs Stryker Corporation, Stryker

Puerto Rico, Ltd., and Stryker Sales Corporation (“Stryker”) have judgment against Defendants Zimmer Inc. and Zimmer Surgical, Inc. (“Zimmer”), as follows:

1. That Zimmer has infringed, literally and under the doctrine of equivalents, claim 2 of Stryker U.S. Patent No. 6,022,329, claims 45, 50, 51, and 52 of Stryker U.S. Patent No. 6,179,807, and claims 1, 2, 3, 8, 10, 11, 13, 17, 19, 20, 22, 24, 27, 38, 40, and 46 of Stryker U.S. Patent No. 7,144,383;
2. That Defendants’ infringement of the asserted claims of Stryker U.S. Patent Nos. 6,022,329, 6,179,807, and 7,144,383 was willful;
3. That this case is exceptional pursuant to 35 U.S.C. §285;
4. That enhanced damages are appropriate pursuant to 35 U.S.C. §284;
5. That the counterclaims and defenses raised by Zimmer are dismissed with prejudice, and that normal principles of issue and claim preclusion govern any unasserted counterclaims and defenses;
6. That Stryker is entitled to and awarded lost profits damages in the amount of \$70 million;
7. That Stryker is entitled to and awarded supplemental damages in the amount of \$2,351,257.66 for the period December 1, 2012 to February 28, 2013;
8. That Stryker is entitled to and awarded supplemental damages in the amount of \$3,739,919.91 for the period March 1, 2013 to June 30, 2013;
9. That Stryker is entitled to and awarded supplemental damages in the amount of \$1,113,797.88 for the period July 1, 2013 to September 4, 2013;
10. That Stryker is entitled to and awarded \$231,614,926.35 as treble damages on its lost profits award as well as its supplemental damages awards;

11. That Stryker is entitled to and awarded attorneys' fees in the amount of \$8,000,000, plus \$1,671,309.26 in prejudgment interest calculated at a rate of 3.83 percent, compounded monthly;
12. That Stryker is entitled to and awarded costs in the amount of \$112,451.28;
13. That Stryker is entitled to and awarded prejudgment interest of \$11,167,670.50 on the jury award and the supplemental damages incurred from December 1, 2012 to February 28, 2013, prejudgment interest of \$1,094,982.78 on the damages incurred from March 1, 2013 to June 30, 2013, and prejudgment interest of \$606,010.31 on the damages incurred from July 1, 2013 to September 4, 2013 for a total prejudgment interest award of \$12,868,663.59 on the lost profits and supplemental damages awards;
14. That Stryker is entitled to and awarded post-judgment interest of \$217,987.56 on the original damages award through July 15, 2015;
15. That Stryker is awarded a total of \$254,485,338.04 for the above-identified damages, interest, and costs;
16. That Zimmer paid Stryker \$90,291,626.60 on July 15, 2015 in satisfaction of the May 18, 2015 Amended Final Judgment such that the remaining amount owed by Zimmer to Stryker for punitive damages, attorney fees with prejudgment interest, and costs as of July 12, 2017 is \$164,193,711.44;
17. That Stryker is entitled to and awarded post-judgment interest on the remaining award in an amount to be calculated in accordance with the statute;

IT IS FURTHER ORDERED, ADJUDGED, DECLARED and DECREED that Defendants Zimmer Inc. and Zimmer Surgical, Inc. are hereby permanently enjoined from the manufacture, use, importation, sale, or offer for sale within the United States of the pulsed lavage products found to infringe claims 45, 50, 51, and 52 of U.S. Patent No. 6,179,807, and products no more than colorably different therefrom.

Dated: _____

Robert J. Jonker
United States District Judge